

12. A mixing device as in claim 8, wherein said solution is soap.

13. A mixing device as in claim 8, wherein said solution is shampoo.

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14. A mixing device for receiving water, comprising:

a first region that receives the water;

a porting region that then receives the water, constricting the end of said first region;

a second region that then receives the water, in communication with said porting region; and

an inlet in communication with said second region, said inlet positioned after said second region receives the water from said porting region.

REMARKS

The Drawings were objected to as failing to comply with 37 CFR 1.84(p)(5) because they did not include reference "31" from the description of the present invention. In response, a proposed corrected Figure 1 now shows reference "31" in red. NOTE: Attorney of Record spoke with the Examiner on April 30, 2002, and Examiner said that she would add red on the Figure 1 in this response because it has been faxed directly to the Examining Corp. Attorney of Record thanks the Examiner.

The Drawings were objected to as failing to comply with 37 CFR 1.83(a) because they did not show the "tube" per claim 1. In response, a proposed corrected Figure 1 now shows reference the "tube" in red. NOTE: Attorney of Record spoke with the Examiner on April 30, 2002, and Examiner said that she would add red on the Figure 1 in this response because it has been faxed directly to the Examining Corp. Attorney of Record thanks the Examiner.

The abstract of the disclosure was objected to due to the use of legal phraseology (i.e. invention) on line 1. In response, care has been taken to remove legal phraseology in the amended abstract included with this response.

The title of the invention has been amended to more correctly reflect that the present invention is a mixing device that can be used for a shower. The preambles of the claims have been amended to reflect this more accurate language as well.

Claims 8-11 were rejected under 35 U.S.C. 112, second paragraph. Specifically, claim 8 had "such as" language. In response, Applicant has amended claim 8 so as to remove the "such as" language. Further, Applicant has added new claims 12 and 13, which depend from claim 8, to represent the concepts originally embodied in claim 8 before amendment. The Examiner also indicated that claims 10 and 11 referred to the "supply hose" that apparently is a double inclusion of the "tube" recited in claim 1. Respectfully, Applicant points out that the tube is an insert into the inlet, whereas the supply hose communicates inlet via the tube. Thus, Applicant does not believe that amendment is necessary. Please feel free to contact the Attorney of Record

should any further clarification be necessary.

Claims 1-11 were rejected under 35 U.S.C 102(b) as being anticipated by Mullick (US 3,071,081). Claim 1 (from which claims 2-11 ultimately depend) has been amended herein with the limitation that the inlet, in communication with the third region, is positioned after the third region receives the water from the porting region. In contrast, Mullick's device does not have an inlet, in communication with a third region, positioned after the third region receives water from a porting region.

In Mullick's device, the water is constricted upon entrance into 15 (see Figure 1 of Mullick). Either Mullick's device does not have a "porting region" because Mullick's 15 receives water directly from Mullick's 14, or Mullick's 15 is actually the porting region. Respectfully though, and in all cases, Applicant believes that Mullick's device does not have an inlet, in communication with a third region, positioned after the third region receives water from a porting region. At best, Applicant believes that Mullick's device forces water from a first chamber into a second chamber, and there is an inlet within the second chamber. The present invention is different than Mullick's device because water is forced from a second region to a porting region to a third region – and only in the third region does the inlet enter the system.

Applicant has amended the present application with new claims 12-14. New claims 12 and 13 have been introduced as aforementioned. Claim 14 is identical to claim 1 but is only directed to the primary regions and the inlet. Applicant believes the claims are now in condition for allowance.

This office action is submitted within the statutory period for response, having been faxed to the Examining Corps at 703-872-9302 on April 30, 2002.

An executed Power of Attorney has been included in this amendment and response.

The Examiner is encouraged to please call the Attorney-of-Record, Michael L. Greenberg, at 301-588-8393 should any questions or comments arise.

Respectfully submitted,

Michael L. Greenberg /

Michael L. Greenberg, Esq.

Reg. No. 47,312

MARKED UP CLAIMS

I Claim:

1. (Amended) A [shower] mixing device for [attaching to a shower pipe] receiving water, comprising:

a first region that receives the water;

a second region that then receives the water, in communication with said first region;

a porting region that then receives the water, constricting the end of said second region;

a third region that then receives the water, in communication with said porting region;

an inlet in communication with said third region, said inlet positioned after said third region receives the water from said porting region;

a tube attached to said inlet;

a solution apparatus in communication with said tube; and

a point of dispersal of the water, in communication with said third region.

2. (Amended) A [shower] mixing device as in claim 1, wherein said first region is cylindrical in shape.

3. (Amended) A [shower] mixing device as in claim 1, wherein said second region is conical in shape.

4. (Amended) A [shower] mixing as in claim 1, wherein said inlet can intake solution.
5. (Amended) A [shower] mixing device as in claim 1, wherein said porting region increases the velocity of the water.
6. (Amended) A [shower] mixing device as in claim 1, wherein said third region uses a venturi force to combine solution from said solution apparatus with water exiting from said porting region.
7. (Amended) A [shower] mixing device as in claim 1, wherein said solution apparatus has at least one solution reservoir.
8. (Amended) A [shower] mixing device as in claim 7, wherein said at least one solution reservoir holds a solution [such as soap or shampoo].
9. (Amended) A [shower] mixing device as in claim 8, wherein said at least one solution reservoir has at least one aperture for release of said solution.
10. (Amended) A [shower] mixing device as in claim 9, wherein said at least one aperture is in communication with a supply hose.

11. (Amended) A [shower] mixing device as in claim 10, wherein said supply hose is attached to said tube, in communication with said inlet.

12. (New) A mixing device as in claim 8, wherein said solution is soap.

13. (New) A mixing device as in claim 8, wherein said solution is shampoo.

14. (New) A mixing device for receiving water, comprising:

a first region that receives the water;

a porting region that then receives the water, constricting the end of said first region;

a second region that then receives the water, in communication with said porting region; and

an inlet in communication with said second region, said inlet positioned after said second region receives the water from said porting region.